

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AARON L. JONES,

Plaintiff,

v.

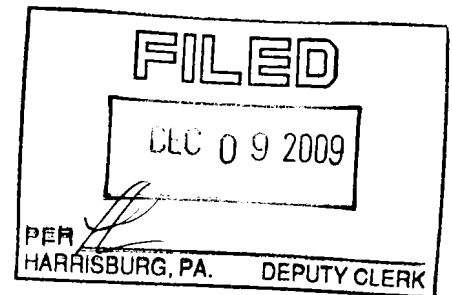
BUCKS COUNTY CORRECTIONAL
FACILITY,

Defendant.

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CIVIL NO. 4:09-CV-2409

Hon. John E. Jones III



MEMORANDUM

December 9, 2009

THE BACKGROUND OF THIS MEMORANDUM IS AS FOLLOWS:

Plaintiff Aaron L. Jones, an inmate confined at the Camp Hill State Correctional Institution ("SCI-Camp Hill") in Camp Hill, Pennsylvania, initiated the above *pro se* action by filing a Complaint under the provisions of 42 U.S.C. § 1983. He also filed an Application for leave to proceed *in forma pauperis*. (Doc. 2.) For the reasons set forth below, this action will be transferred to the United States District Court for the Eastern District of Pennsylvania, and any decision with respect to the pending Motion for leave to proceed *in forma pauperis* will be deferred to the transferee court.

In his Complaint, Plaintiff alleges that staff at the Bucks County Correctional

Facility informed him that the blood work they performed while he was incarcerated there in August 2009 revealed a small trace of gonorrhea, but that he did not need medication. (Doc. 1 at 2 § IV.) He alleges that he had blood work again after he was transferred to the Graterford State Correctional Institution ("SCI-Graterford"). (*Id.*) Plaintiff alleges that, a month later, he was transferred to SCI-Camp Hill and was given medication to treat his condition on October 31, 2009. (*Id.*) He requests that Defendants at the Bucks County Correctional Facility be held accountable for their negligence. (*Id.* at 3 § 5.)

DISCUSSION

Venue for actions brought under § 1983 is governed by 28 U.S.C.

§ 1391(b), which provides as follows:

A civil action wherein jurisdiction is not founded solely on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

In the instant case, Plaintiff currently is incarcerated in this district. However, the named Defendants in this case are located in the Eastern District of Pennsylvania, and the allegations in the Complaint relate to conduct which took place in that district.

Therefore, the proper venue for this action is the Eastern District of Pennsylvania. 28 U.S.C. §1391(b).

When venue is improper, as in this case, a court may transfer the case to the district court “where it might have been brought.” 28 U.S.C. 1404(a). In the interests of justice, this case will be transferred to the Eastern District of Pennsylvania.¹ An appropriate Order will issue.

¹This Court transfers this action without passing any judgment on the merits of Plaintiff’s claims.

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BUCKS COUNTY CORRECTIONAL
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CIVIL NO. 4:09-CV-2409

Hon. John E. Jones III


ORDER

December 9, 2009

In accordance with the Memorandum entered on this date, it is hereby

ORDERED that:

1. Any decision with respect to Plaintiff's Application for leave to proceed *in forma pauperis* (Doc. 2) is deferred to the transferee court.
2. The Clerk of Court is directed to transfer this action to the United States District Court for the Eastern District of Pennsylvania.
3. The Clerk of Court is directed to **CLOSE** this case.



John E. Jones III
United States District Judge